



007.00048 (R-5472 B)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Davies	)	
		)	
Serial No.:	10/817,443	)	Examiner:
		)	P. Nazario Gonzalez
Filed:	April 5, 2004	)	
		)	Art Unit:
For:	METAL CATALYSTS AND METHODS	)	1621
	FOR MAKING AND USING SAME	)	
		)	

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COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. § 1.104(e) and Manual of Patent Examining Procedure § 1302.14, applicant hereby submits comments on the Statement of Reasons for Allowance which accompanied the January 30, 2006, Notice of Allowability in the above-identified patent application.

In the Statement of Reasons for Allowance, the U.S. Patent and Trademark Office states:

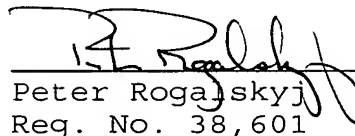
The Allowance of the instant claims is based on Applicants filing on December 20, 2005 of the Terminal Disclaimers. The Examiner would like to clarify the ambiguity of the rejection of claims 61, 69 and 135-137 set forth in paragraphs 1-3

- 2 -

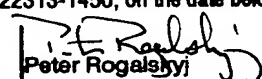
of the previous Office Action. Although the claimed compounds appear to be the same as the compounds of the '746 patent the instant claims are a product-by-process claim and therefore the correct rejection would have been a obviousness-type non-statutory double patenting rejection. Said rejection was obviated by Applicants' Terminal Disclaimer.

Applicant does not necessarily agree with the reason for allowance set forth in this statement. Moreover, to the extent that this statement suggests that the pending claims are allowable solely for the reasons set forth therein, applicant disagrees with any such suggestion.

Dated: April 27, 2006

  
Peter Rogalskyj  
Reg. No. 38,601

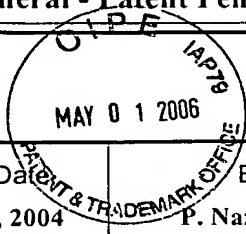
Rogalskyj & Weyand, LLP  
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Certificate of Mailing - 37 CFR 1.8(a)	
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4-27-06 Date	 Peter Rogalskyj

**TRANSMITTAL LETTER  
(General - Patent Pending)**

Docket No.  
007.00048 (R-5472 B)

In Re Application Of: Davies



Application No.  
10/817,443

Filing Date  
April 5, 2004

Examiner  
P. Nazario Gonzalez

Customer No.  
Not Assigned

Group Art Unit  
1621

Confirmation No.

Title:  
**METAL CATALYSTS AND METHODS FOR MAKING AND USING SAME**

COMMISSIONER FOR PATENTS:

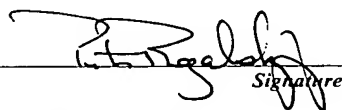
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PTO-2038 Credit Card Payment Form (1 page)  
Issue Fee Transmittal PTOL-85 (1 page) (in duplicate)  
Comments on Statement of Reasons for Allowance (2 pages)  
Self-addressed, stamped postcard for acknowledging receipt of the enclosed materials

in the above identified application.

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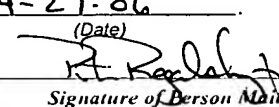
Dated: April 27, 2006

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4-27-06

(Date)

  
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Peter Rogalskyj

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